

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MBIA, INC.,

ECF CASE

Plaintiff,

-against -

08 Civ. 4313 (RMB) (DFE)

FEDERAL INSURANCE COMPANY and  
ACE AMERICAN INSURANCE COMPANY,

Defendant.

UNOPPOSED MOTION  
TO ADMIT DAVID J. HENSLER  
PRO HAC VICE

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Frank T. Spano, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

DAVID J. HENSLER  
Hogan & Hartson L.L.P.  
555 13<sup>th</sup> Street, NW  
Washington, D.C. 20004  
202-637-5600 (tel.)  
202-637-5910 (fax)

David J. Hensler is a member in good standing of the Bar of the District of Columbia. There are no pending disciplinary proceedings against David J. Hensler in any State or Federal court.

Dated: New York, New York  
July 2, 2008

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:   
Frank T. Spano (FS-1193)  
875 Third Avenue  
New York, NY 10022  
(212) 918-3000 (Telephone)  
(212) 918-3100 (Facsimile)

Attorneys for Federal Insurance  
Company

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MBIA, INC.,

ECF CASE

Plaintiff,

-against -

08 Civ. 4313 (RMB) (DFE)

FEDERAL INSURANCE COMPANY and  
ACE AMERICAN INSURANCE COMPANY,

Defendant.

AFFIDAVIT OF  
FRANK T. SPANO IN SUPPORT  
OF MOTION TO ADMIT DAVID  
J. HENSLER AS COUNSEL *PRO  
HAC VICE*

-----X  
STATE OF NEW YORK, )  
                        )  
                        ) ss.:  
COUNTY OF NEW YORK, )

FRANK T. SPANO, being duly sworn, hereby deposes and says as follows:

I am a member in good standing of the Bar of the State of New York, and was admitted to practice law in January, 1989. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

1. I am a member of the firm of Hogan & Hartson L.L.P., counsel in this action for defendant Federal Insurance Company (“Federal”). I make this affirmation on personal knowledge, except as to those matters which are stated upon information and belief, in support of the motion seeking to have David J. Hensler admitted to practice *pro hac vice*. Mr. Hensler’s Declaration in support of this application for admission *pro hac vice* accompanies this motion. This motion is unopposed by counsel for plaintiff MBIA, Inc.

2. Mr. Hensler is a member of Hogan & Hartson L.L.P. in the firm’s Washington, D.C. office. I have worked with Mr. Hensler and find him to be a skilled attorney of the highest moral character and fitness. He is experienced in Federal practice and familiar with the Federal Rules of Civil Procedure.

3. Mr. Hensler has, for several years, represented Federal in a variety of matters. He has acquired specialized skill and knowledge of Federal's affairs important to litigating this case. Mr. Hensler is intimately familiar with the background of this case, and, therefore, Federal would be substantially prejudiced if Mr. Hensler were not allowed to appear *pro hac vice* in this action. In addition, Federal has specifically requested that Mr. Hensler assist in the defense of this action.

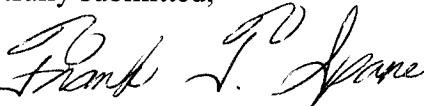
4. Accordingly, I am pleased to move for the admission of David J. Hensler, *pro hac vice*.

5. I respectfully submit a proposed order granting the admission of David J. Hensler, which accompanies this affidavit and motion.

WHEREFORE, I respectfully request that the Court grant the within motion for admission of David J. Hensler to practice *pro hac vice* before this Court.

Dated: July 2, 2008  
New York, New York

Respectfully submitted,

By:   
\_\_\_\_\_  
Frank T. Spano

HOGAN & HARTSON L.L.P.  
875 Third Avenue  
New York, NY 10022  
Telephone: (212) 918-3000  
Facsimile: (212) 918-3100

Attorneys for Defendant Federal  
Insurance Company

Sworn to before me this  
2<sup>nd</sup> day of July, 2008.

  
\_\_\_\_\_  
Notary Public

ELLEN SCHILIRO  
Notary Public, State of New York  
NO. 01SC4951455  
Qualified in Westchester County  
Cert. Filed in New York County  
Commission Expires May 22, 2014

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MBIA, INC.,

ECF CASE

Plaintiff,

-against -

08 Civ. 4313 (RMB) (DFE)

FEDERAL INSURANCE COMPANY and  
ACE AMERICAN INSURANCE COMPANY,  
Defendant.

DECLARATION OF DAVID J.  
HENSLER IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE

-----X

DAVID J. HENSLER, hereby deposes and says as follows:

1. I am a partner in the law firm of Hogan & Hartson L.L.P.
2. I submit this declaration in support of my motion for admission to practice pro hac vice in the above-captioned matter.
3. As shown in the Certificate(s) of Good Standing annexed hereto, I am a member in good standing of the Bar of the District of Columbia.
4. I am also admitted to practice in the United States District Court for the District of Columbia; the United States District Court for the Northern District of California; the United States District Court for the District of Maryland; the United States District Court for Western District of Michigan; the United States District Court for the Northern District of New York; the United States Court of Appeals for the District of Columbia Circuit; the United States Court of Appeals for the Federal Circuit; the United States Court of Appeals for the Second Circuit; the United

States Court of Appeals for the Third Circuit; the United States Court of Appeals for the Fourth Circuit; the United States Court of Appeals for the Sixth Circuit; the United States Court of Appeals for the Eleventh Circuit; District of Columbia Court of Appeals; United States Court of Appeals for the Armed Forces; United States Supreme Court; and the United States Court of Federal Claims.

5. There are no disciplinary proceedings pending against me in any State or Federal court.
6. Wherefore I respectfully request that I be permitted to appear as counsel and advocate pro hac vice in this case.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

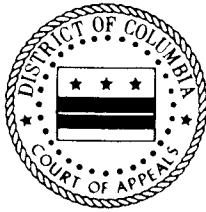
Respectfully submitted.

By:

David J. Hensler  
HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910

Attorneys for Federal Insurance  
Company

DATED: July 1, 2008



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D.C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

DAVID J. HENSLER

---

was on the 21<sup>st</sup> day of JANUARY, 1972

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June  
26, 2008.

GARLAND PINKSTON, JR., CLERK

By: A. Charles  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MBIA, INC.,

ECF CASE

Plaintiff,

-against -

08 Civ. 4313 (RMB) (DFE)

FEDERAL INSURANCE COMPANY and  
ACE AMERICAN INSURANCE COMPANY,

Defendant.

ORDER FOR ADMISSION  
PRO HAC VICE ON WRITTEN  
MOTION

-----X

Upon the motion of Frank T. Spano attorney for defendant Federal Insurance Company and said sponsor attorney's affidavit in support:

IT IS HEREBY ORDERED that

DAVID J. HENSLER  
Hogan & Hartson L.L.P.  
555 13<sup>th</sup> Street, NW  
Washington, D.C. 20004  
202-637-5600 (tel.)  
202-637-5910 (fax)

Is admitted to practice pro hac vice to represent Federal Insurance Company in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Douglas F. Eaton  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I, Frank T. Spano, hereby certify that on this 2nd day of July 2008 true and correct copies of the foregoing Unopposed Motion to Admit David J. Hensler Pro Hac Vice, Declaration of David J. Hensler in Support of Motion to Admit Counsel Pro Hac Vice, Affidavit of Frank T. Spano and proposed Order for Admission to Practice Pro Hac Vice on Written Motion were served via first class U.S. Mail, postage prepaid, on:

James G. McCarney, Esq.  
Howrey LLP  
Citigroup Center  
153 East 53<sup>rd</sup> Street, 54<sup>th</sup> Floor  
New York, NY 10022

Robert H. Shulman, Esq.  
Robert Jacobs, Esq.  
Lara Degenhart, Esq.  
Christine Davis, Esq.  
Howrey LLP  
1299 Pennsylvania Ave., NW  
Washington, D.C. 20004



---

Frank T. Spano (FS-1193)